

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JAKE C. CROOKER,	)	
Plaintiff	)	
	)	
v.	)	C.A. NO. 10-30063-MAP
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social	)	
Security Administration,	)	
Defendant	)	

MEMORANDUM AND ORDER RE:  
PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS  
AND DEFENDANT'S MOTION TO AFFIRM COMMISSIONER,  
AND ORDER OF REMAND  
(Dkt. Nos. 10, & 15)

April 6, 2011

PONSOR, D.J.

Plaintiff has filed this action for judicial review of the decision by the Commissioner of the Social Security Administration denying him Social Security Disability Insurance benefits. His Motion for Judgment on the Pleadings (Dkt. No. 10) and Defendant's motion to Affirm the Decision of the Commissioner (Dkt. No. 15) came before the court for argument on March 28, 2011.

During argument, the court noted for counsel the curious similarity between the handwriting of Dr. George Reynolds and the handwriting on the form submitted on behalf of Plaintiff. See R248 and R315-321. The court requested that counsel confirm with Dr. Reynolds what his normal

practice was for completing such forms and whether he had reviewed the report and intended to convey its contents. The court gave counsel until April 18, 2011 to submit their report and indicated that it would hold off on ruling on the pending motions until the report was filed.

On March 29, 2011 counsel submitted a Joint Memorandum Regarding the Court's Order (Dkt. No. 18), stating that "judicial review under the Social Security Act does not permit them to submit evidence to the court that was not before the Commissioner." Dkt. No. 18 at 1. In light of this, counsel suggested that "if the court determines the answers to the . . . questions [regarding the handwriting] are required in order to determine whether the Commissioner's decision is supported by substantial evidence, the court should remand the case for further development of the record in that regard." Id. at 2. In light of this submission, the court hereby **ALLOWS** Plaintiff's Motion for Judgment on the Pleadings (Dkt. No. 10), without prejudice, and also **DENIES** Defendant's Motion to Affirm the Commissioner (Dkt. No. 15). The case is ordered **REMANDED** to the Commissioner for further proceedings aimed at illuminating the questions with regard to the similarities between the handwriting of Dr. Reynolds and the handwriting contained on the form submitted on behalf of

Plaintiff.

Under the normal rules applicable to remands, the court hereby orders the clerk to enter judgment for Plaintiff.

This case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor

MICHAEL A. PONSOR

U. S. District Judge